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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philip W. Wyers
Appl. No.: 10/752,931
Filed: January 6, 2004
Docket No.: 2015
Conf. No.: 5788
Examiner: Lloyd Gall
Art Unit: 3676

Title: **LOCKING DEVICE WITH CONVERTIBLE SHANK INCLUDING
LOCKING METHOD THEREOF**

Action: **TRANSMITTAL OF SECOND SUPPLEMENTAL INFORMATION
DISCLOSURE**

Date: May 23, 2005

TO: Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant wishes to bring the Examiner's attention a padlock allegedly sold by Master Lock Company. Master Lock alleges to Applicant that:

- (1) This Armored Trailer Hitch Lock is sold under the item number 37DAT;
- (2) A photograph, attached hereto as Exhibit 1, depicts this lock (the labeling on Figure 1 is not applicant's labeling but rather is Master Lock's interpretation);
- (3) A photocopy, attached hereto as Exhibit 2 is the packaging insert card used with this lock as of the year 2000 (see copyright notice);
- (4) The lock has been sold at least as early as 1995.

Applicant has no independent knowledge of these matters. However, this application is a division of U.S. Patent No. 6, 672,115 filed April 24, 2000. The packaging insert card does not indicate when in the year 2000 it was used. Even

assuming *arguendo* that it was used as of January 1, 2000, the packaging insert card does not appear to be applicable under 35 U.S.C. § 102(b) or under 35 U.S.C. § 103. Applicant is without independent knowledge as to the dates of sale of the actual lock, if any such sales occurred.

The identification of this product is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. §1.56 and is not intended to be an admission that this padlock constitutes prior art as to the invention disclosed and claimed in the subject application.

Pursuant to the provisions of 37 CFR §1.97(c), this Information Disclosure Statement (IDS) should be considered by the Office because this IDS is being filed by the Applicant after the period specified in §1.97(b) before the mailing date of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application and is accompanied by check no. 18848 in the amount of \$180.00 for the fee set forth in § 1.17(p). The Commissioner is hereby authorized to charge the payment of any required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Please initial the attached form PTO/SB/08A where indicated and return a copy of the initialed document to the undersigned as an indication that the listed reference has been considered and made of record.

The Examiner is courteously solicited to enter an expeditious allowance of this application. If any questions remain to be addressed, it is respectfully requested that the undersigned attorney for the Applicant be contacted at the number listed below.



Respectfully submitted,

TIMOTHY J. MARTIN, P.C.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **TRANSMITTAL OF SECOND SUPPLEMENTAL INFORMATION DISCLOSURE (3 pages), CHECK NO. 18848 IN THE AMOUNT OF \$180.00** including **FORM PTO/SB/08A (1 page)** and **EXHIBITS 1 AND 2** are being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23rd day of May, 2005.

Marcie F. King